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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 10/791,678
Filing Date: March 02, 2004
Appellant(s): PHILYAW, JEFFRY JOVAN

Gregory M. Howison (Reg. No. 30,646)
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 3/16/09 appealing from the Office action mailed 10/19/07.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

No amendment after final has been filed.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,152,369	WILZ	11-2000

(9) Grounds of Rejection

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1 – 36 are rejected under 35 U.S.C. 102(e) as being anticipated by Wilz, Sr. et al. (U.S. Pat. No. 6,152,369) (System for Storing, Accessing and Displaying HTML Encoded).

2.1 Regarding claim 1, Wilz discloses a method of accessing one or more remote locations on a network by sensing a machine-resolvable code, comprising the steps of:

providing a first computer disposed on the network, the first computer being interfacable to an input device for sensing a machine resolvable code proximate a first location, the first computer running a software application which includes a software identification code unrelated to the machine resolvable code having an association with at least one of the one or more remote locations (Abstract; Figs. 4, 5, 11A, 11B; col. 27, lines 22 – 62; col. 27, line 63 – col. 28, line 15);

accessing with the first computer a second computer disposed on the network in accordance with routing information provided by the first computer and in response to sensing by the input device the machine-resolvable code proximate the first location;

transferring to the second computer from the first computer at least the software identification code (Abstract; Figs. 4, 5; col. 27, line 63 – col. 28, line 15);

storing in an associative database at the second computer associations between software identification codes and ones of the one or more remote locations and operable to have routing information associated with each of the one or more remote locations (Abstract; Fig. 3; col. 27, line 63 – col. 28, line 15);

performing a lookup operation at the second computer to match the software identification code with the associated at least one of the one or more remote locations in accordance with the stored associations to obtain associated remote routing information corresponding to the associated at least one of the one or more remote locations (Abstract; Fig. 3; col. 27, line 63 – col. 28, line 15);

returning to the first computer from the second computer the remote routing information of the at least one of the one or more remote locations determined at the second computer to correspond to the software identification code that was transferred from the first computer to the second computer (Abstract; Fig. 3; col. 27, line 63 – col. 28, line 15); and

accessing with the first computer the associated at least one of the one or more remote locations according to the returned remote routing information to retrieve remote information from the one of the one or more remote locations associated with the returned remote routing information (Abstract; Fig. 3; col. 27, line 63 – col. 28, line 15).

col. 27, lines 22 – 62

The RDBMS software (e.g., 4D Version 6.0 from ACI US, Inc.) is used to construct a RDBMS 55 within or at the back-end of each Internet RTD Server 51. As shown in FIG. 11B, the RDBMS 51 is used to maintain a hypermedia-type relational database containing package shipping, tracking and delivery related information. As shown in FIG. 11B, each database record (i.e., RTD information record) maintained for each package logged-into the system comprises a number of information fields, namely: a URL Field 55A, for storing the URL assigned to each package, at which a static information storage location resides on a web-page on the RTD Internet Server 51; a Package Identification Field 55B for storing a unique number assigned to each package being routed, tracked and delivered within the RTD system hereof; a Shipper Identification Number Field 55C for storing an identifying number assigned to each shipper authorized to ship packages within the RTD system; a Destination Information Field 55D for storing information describing the (initially, past and currently specified) destination(s) of the package; a Zip Code Information Field 55E for storing Zip Code information on the package destination; a Package Content Information Field 55F for storing information regarding the contents of the package; a Delivery Instructions Field 55G for storing delivery instructions (e.g., including graphical maps, audio-based delivery instructions, etc.) for use in delivering the package to its destination; a Date of Log-In Field 55H for storing the date the package is logged-in with the system; a Date of Shipping Field 55I for storing the date the package was shipped (or is expected to be shipped) within the system; a Date of Delivery Field 55J for storing the date the package was delivered (or is expected to be delivered) to its destination; a Package "Goto" Field 55K for storing information on the location of the package within the RTD system; a Time/Date of "Goto" Field 55L for storing information on the time and date of the tracked location of the package within the RTD system; a Shipping Route Field 55M for storing information specifying the planned route of travel assigned to end logged-in package; and Other Information Fields 55N, 550 and 55P for storing various items of information relating to the package description, shipping, tracking and delivery.

col. 27, line 63 – col. 28, line 15

In order that each subsystem 52, 53 and 54 can connect with RTD Server 51 and access the RTD information record associated with any package logged-in with the system, the following measures are taken: (1) each logged-in package 56 is labeled with a URL-encoded bar code symbol 57 having an information field structure shown in FIG. 12, as well as a conventional name/address label; and (2) the URL encoded within the bar code symbol is used to specify the location of an information storage field 58 represented on a statically-defined HTML-encoded information field 59 on a web-page stored on the RTD Information Server 51 and served to client subsystems by HTTP Server 60. The size of each Web-based information storage field 58 is sufficient to store ASCII information describing the unique product identification number

> assigned to the corresponding product being routed and tracked within the system. The RTD information record in the RDBMS 55 associated with any particular package is linked to the URL by the product identification number stored at the information field specified by the URL.

2.2 Per claim 2, Wilz teaches the method of claim 1, wherein the step of accessing with the first computer further comprises the steps of:

returning information from the associated at least one of the one or more remote locations to the first computer (Abstract; Figs. 4, 5; col. 27, line 63 – col. 28, line 15); and

presenting at least a portion of the information so returned on the display of the first computer for presentation to the user (Abstract; Figs. 4, 5; col. 27, line 63 – col. 28, line 15).

2.3 Regarding claim 3, Wilz discloses the method of claim 1 wherein in response to the sensing of a machine-resolvable code using the input device, the software application running on the first computer converts the software identification code and generates routing information for transmission to the second computer (Abstract; Figs. 4, 5; col. 27, line 63 – col. 28, line 15).

2.4 Per claim 4, Wilz teaches the method of claim 3, wherein the routing information includes the software identification code and the address of the second computer (Abstract; Figs. 4, 5; col. 27, line 63 – col. 28, line 15).

2.5 Regarding claim 5, Wilz discloses the method of claim 1, wherein the machine-resolvable code is an optical code and the input device is an optical code scanner (col. 27, line 66 – col. 28, line 7).

2.6 Per claim 6, Wilz teaches the method of claim 5, wherein the optical code is a bar code and the optical code scanner is a bar code scanner (col. 27, line 66 – col. 28, line 7).

2.7 Regarding claim 7, Wilz discloses the method of claim 6, wherein the bar code is a universal product code (UPC) bar code (col. 25, lines 54 – 61).

2.8 Per claim 8, Wilz teaches the method of claim 5, wherein the optical code is alphanumeric text and the optical code scanner is an optical character recognition (OCR) scanner (col. 21, lines 11 – 23; col. 4, lines 16 – 17).

2.9 Regarding claim 9, Wilz discloses the method of claim 5, wherein the optical code is a portion of a display screen displaying a pattern of modulated brightness and the optical code scanner comprises a light sensor (col. 3, lines 5 – 12; col. 4, lines 8 – 19).

2.10 Per claim 10, Wilz teaches the method of claim 1, wherein the machine-resolvable code is an audio tone and the input device comprises a microphone (col. 36, lines 11 – 33; Fig. 19).

2.11 Regarding claim 11, Wilz discloses the method of claim 1, wherein the machine-resolvable code is a magnetic pattern in a strip of magnetic material and the input device is a magnetic strip reader (col. 37, lines 9 – 15).

2.12 Per claim 12, Wilz teaches the method of claim 1, wherein the machine-resolvable code is a pattern of electromagnetic signals transmitted from an induction-coupled transceiver device and the input device is an electromagnetic signal receiver (col. 21, lines 11 – 29; col. 37, lines 9 – 15).

2.13 Regarding claim 13, Wilz discloses the method of claim 1, wherein: the machine-resolvable code is associated with at least a second of the one or remote locations; the step of transferring is operable to also transfer the sensed machine-resolvable code to the second computer; the step of storing associations comprises storing an association between ones of machine resolvable codes and ones of the one or more remote locations; and the step of performing a lookup operation at the second computer further comprises matching the received machine-resolvable code with the associated at least a second of the one or more remote locations to obtain remote routing information corresponding to the associated at least a second of the one or more remote locations (Abstract; Figs. 4, 5).

2.14 Per claim 14, Wilz teaches the method of claim 13, wherein the step of returning the remote routing information further comprises returning the remote routing information corresponding to the associated at least a second of the one or more remote locations from the second computer to the first computer (Abstract; Figs. 4, 5).

2.15 Regarding claim 15, Wilz discloses the method of claim 14, wherein the step of accessing with the first computer further comprises the steps of,

returning information from the associated at least one of the one or more remote locations to the first computer (Fig. 4; col. 22, lines 6 – 26);

returning information from the associated second of the one or more remote locations to the first computer (Fig. 4; col. 22, lines 6 – 26); and

framing at least a portion of the information from the associated at least one of the one or more remote locations and at least a portion of the information from the associated second of the one or more remote locations in a browser window of the first computer for presentation to the user (Fig. 4; col. 22, lines 6 – 26).

2.16 Per claim 16, Wilz teaches the method of claim 1, wherein the network is a global communication network (col. 10, lines 28 – 30).

2.17 Regarding claim 33, Wilz discloses the method of claim 1, wherein a remote location is accessible corresponding to each one of the group consisting of the machine-resolvable code, the software identification code and the input device ID (Abstract; Figs. 4, 5).

2.18 Per claim 34, Wilz teaches the method of claim 33, wherein the step of performing a lookup operation includes obtaining routing information for a remote location corresponding respectively to each one of the machine resolvable code, the software identification code and the input device ID (Abstract; Figs. 4, 5).

2.19 Regarding claims 17 – 32, 35, and 36, the rejection of claims 1 – 16, 33, and 34 under 35 USC 102(e) (paragraphs 2.1 – 2.18 above) applies fully.

(10) Response to Argument

Independent claims 1 and 17

Applicant argues that Wilz (U.S. Pat. No. 6,152,369) does not disclose the feature a software identification code unrelated to the machine resolvable code.

Examiner disagrees.

Examiner notes that the terms "**software identification code**" and "**unrelated**" are not well defined in the specification of the present Application.

Relevant portions of the specification of the present Application are listed below:

p. 45 (paragraph 72) of the specification in the present Application

> Referring now to FIG. 25, there is illustrated a general block diagram of another disclosed embodiment relating to a **method of accessing one or more remote locations on a network by sensing a machine-resolvable code.** The computer (or "PC") 302 is disposed on a network by means of a suitable interface 304. The network may be any type of computer network including a global communications network 306 such as the Internet. The PC 302 is operably connected to an input device 2502 having a sensor 2504 suitable for resolving at least one type of machine-resolvable code 2506. The input device 2502 may be connected directly to the PC 302 or connected through a suitable interface 2507. The interface 2507 may serve more than one device, for examine, FIG. 25 shows interface 2507 connecting both input device 2502 and keyboard 1610 to the PC 302. **Running on the PC 302 is a software application 2520 which includes a software identification code 2522. In response to sensing the machine resolvable code 2506 with the input device 2502, the PC 302 accesses, via the GCN 306, at least one remote location 2524 associated with the software identification code 2522.** The remote locations accessed may

then return remote information to the PC 302 for presentation on the display 1612, for storage on the local database 1614, or for other processing.

pp. 46 – 47 (paragraphs 74, 75, 76) of the specification in the present Application

As previously discussed, a software application 2520 runs on the PC 302. The software application 2520 includes a software identification code 2522 associated with at least one remote site 2524 on the network 306. The associated remote site 2524 (hereinafter the "software ID site") may include information relevant to the software application, or it may include advertising content particularly selected for presentation to users of the software 2520. By use of this embodiment, **the computer 302 can access remote sites selected, at least in part, on the basis of an association with the software ID code 2522.**

The machine-resolvable code 2506 may be associated with at least a second remote site on the network 306, for example an advertiser server 312. The second remote site may include information relevant to the machine-resolvable code 2506, or it may include advertising content particularly selected for presentation to users in proximity to the machine-resolvable code 2506. By use of further embodiments, **the computer 302 can access remote sites selected on the basis of association with the software ID 2522 and the machine-resolvable code 2506.**

In operation, a machine-resolvable code ("M-R code") 2506 is sensed by the input device 2502 and then passed to the PC 302. The sensing of the M-R code 2506 may result from an active user activity, such as scanning a bar code or credit card, or it may result from a passive activity at the user's site, such as receiving a TV, radio or other media signal containing an embedded code. In response to the PC 302 receiving the M-R code 2506, **the application program 2520 running on the PC converts the software identification code 2522 and generates routing information for transmission to a second computer on the network**, e.g., an ARS 308 as previously described.

Given the above citations and Figure 25, the software identification code (software ID code) in independent claims 1 and 17 is utilized by a computer (Fig. 25, item 302) to access remote sites (Fig. 25, item 2524).

Therefore, the “software identification code” of claim 1 and claim 17 can be interpreted as one of the fields in Figure 11B.

Dependent claims 2 and 18

Applicant has no substantive arguments.

Dependent claims 3 and 19

Applicant argues that cited portions of Wilz contain no disclosure that a software identification code, or any code or field, is converted and routing information generated for transmission to a second computer.

Examiner disagrees.

Wilz discloses that in response to the sensing of a machine-resolvable code using the input device, the software application running on the first computer converts the software identification code and generates routing information for transmission to the second computer (Abstract; Figs. 4, 5; col. 27, line 63 – col. 28, line 15).

Dependent claims 4 – 8, 11 – 16, 20 – 24, and 27 – 36

Applicant has no substantive arguments.

Dependent claims 9 and 25

Applicant argues that Examiner has pointed to bar codes on a printed media in Wilz as opposed to a bar code on a display screen in the present Application.

Examiner disagrees.

The “Web-site guide” (col. 3, line 11; col. 4, line18) is interpreted by Examiner as being a bar code on a display screen.

Dependent claims 10 and 26

Applicant argues that the claimed “’machine-resolvable code is an audio tone' to be a human voice” is not equivalent to the “speech recognition subsystem” of Wilz (col. 36, lines 11 – 33; Fig. 19).

Examiner disagrees.

The “speech recognition subsystem” of Wilz can be reasonably interpreted as the claimed audio tone that is a machine-resolvable code. Voice input from a human can be legitimately construed as audio tones.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner’s answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

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